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File No. O/CCT(C of M)
47
Legal Department-

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Subject:—

Opinions ~~under~~ Cases regarding Cotton Textiles (Control of Movement) Order 1946.

(P 3/E)

File No. O/CCT(C of M)/47

Gen. 194-e.

C O N T E N T S.

Legal Department File No. OCTM/47.

Sr. No.	R.I./J.No.	Subject	Pages.
		Opinion Cases regarding Cotton Textiles (Control of Movement) order, 1946.	
1.	9971 15/X/1947.	Clause 3. Movement of cloth. Whether Mr. Kanahyalal can be prosecuted for removing cloth from one place to another without District Magistrate's order.	1-2
2.	0/112 6/12/1947.	Clause 4 Movement by goods train of 2 bales of handloom cotton cloth from Surat to Kurla by Ramsingh Sawatsingh - whether he has committed an offence and can be legally prosecuted. (Copies not made).	3-4
3.	13316 28/12/1947	Clauses 2 (d) and 3(a) whether cloth marked as manufactured in Africa comes within the purvies of this order.	5-6
4.	13315 23/12/1947	~~Cloth~~ Transport of cloth by rail as part of luggage in excess of the premissible limit.	7-8

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Office of the R.L.A.

Movement of Cloth

Cotton Textiles

(Control of Movement) Order, 1946.

The papers shwo that Kanahyalal attempted to transport by road one bale of coloured cloth conteining 826½ yards of cloth from the village Malapur to Dhulia both the places being in the West Khandesh District. The question for R.L.A's consideration is whether Mr. Kanahyalal can be prsecuted for removing cloth from one place to another without District Magistrate's Order.

Under clause 3 of the Cotton Textiles (Control of Movement) Order, 1946, transport of cloth by rail is prohibited. Under Textile Commissioner's Notification No. 101/TA/46(11) dated the 16th February 1946 transport of cloth* by road from any province to any place outside that province is banned. By Textile Commissioner's notification No 101-TA/47(1) dated the 24-5-47, transport except with the permission of Textile Commissioner, Director of Civil Supplies, Bombay, Addl. Director of Civil Supplies ~~Civil-S~~ Bombay, or Provincial Textile Controller, Bombay. Neither of the notification applies to the present case and there is no ban on the transport of cloth by road within the same District. Now prosecution will therefore lie against Mr. Kanahyalal. It is presumed, however, that the District Magistrate has not issue any notification restricting the movement of cloth in the District.

Sd.

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 9971 dated the 15th Oct. 1947

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The question for consideration is whether clo th marked as manufactured in Africa comes within the purview of the Cotton Textiles (Control of Movement) Order, 1946.

Under clause 2(d) of the Cotton Textiles (Control of Movement) Order, 1946, the term 'cloth' has the same meaning as it has in the Cotton Cloth and Yarn (Control) Order, 1945. The term 'cloth' has been define d in clause 3 (a) of the Cotton Cloth and Yarn (Control) Orde, 1945, and means any type of cloth manufactured either wholly from cotton or partly from cotton and partly from any other material.

If the cloth which is manufactured in Africa is otherwise 'cloth' as defined in the Cotton Cloth & Yarn (Control) Order, it comes within the pruview of the Cotton Textiles (Control of Movement) Order, 1946. It is immeterial as to where it is manufactured. All imported cotton cloth falling within the definition of 'cloth' in the Cotton Cloth & Yarn (Control) Order is covered by the Cotton Textiles (Control of Movement) Order.

Sd.

Remembrancer of Legal Affairs.

U.O.R. to C.S.D. No. 13216 dated 23rd Dec., 1947.

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I think the prosecution should be at Viramgam. The Offence of causing to be transported cot cloth by rail as part of luggage in excess of the permissible limit was in any case complete, wherever the offer for transport may have been made. As regards sugar the offence is that of removingit from Bombay to any other place in the Province. Prosecution at Bonbay cannot make any difference to the available evidence, and if evidence be available to show that sugar was removed from Bombay, the prosecution can be as well launched at Viramgam where he was found in possession of the sugar so removed.

Remembrancer of Legal Affairs.

U.O.R. to C.S.D. No. 13315 Dated, 13rd Dec., 1947.

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